

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ABINGDON DIVISION

UNITED STATES OF AMERICA

v.

Case No.: 1:19cr00011-001

ADRIAN JOSE ROMERO

SENTENCING MEMORANDUM and
MOTION FOR DOWNWARD DEPARTURE

COMES NOW the defendant, Adrian Jose Romero, by counsel, and moves the Court depart downward from the sentencing guidelines for the reasons set forth in this memorandum.

1. The disparity between the sentencing guidelines for mixed and actual methamphetamine is arbitrary and capricious; and therefore, this Court should reject the advisory guideline range of 235 to 293 months.

If the guideline range for a mixture of methamphetamine is applied in this case, the base offense level goes from 34 to 30. The total offense level then becomes 29 and the criminal history category of VI renders an alternative sentencing guideline range of 151 to 188. The defendant requests this Court depart downward from the advisory guideline range to sentence him within the 151 to 188-month range pursuant to *United States of America v. Moreno*, 2019 WL 3557889 (W.D. Va. Aug. 5, 2019).¹ This Court has declined to apply the *Moreno* analysis based on a detailed consideration of the facts specific to the case in *United States v. Farris*, et al., 2019 WL 5073567 (W.D. Va. Oct. 9, 2019). The defendant incorporates herein all the legal arguments by the defendants set forth in the *Moreno* and *Farris* cases.

2. The defendant, Adrian Jose Romero, is a 31-year-old native of San Diego, California. His mother and sister currently live in the Martinez, Georgia area and this is where he

¹ An appeal to the Fourth Circuit was noted in this case on August 22, 2019.

intends to live after his release from incarceration. Letters from his family and friends are attached to this memorandum which detail his close relationship to his family and their wishes his sentence would permit him to return to them as soon as possible. (Ex. 1). Mr. Romero has completed a productive citizenship and an anger management class while housed at the jail in Abingdon. (Ex. 2). He has a substance abuse history and requests he be permitted to participate in the RDAP program while in prison.

3. Since Mr. Romero is currently serving a sentence for distribution of methamphetamine in the Virginia Department of Corrections, and he was arrested on February 6, 2017, a time frame within the period of this conspiracy as set forth in the Indictment and admitted to in the Plea Agreement, he requests the sentence rendered by this Court run concurrent with the sentence rendered on January 4, 2018 by the Carroll County Circuit Court, Docket No.: CR 17-572-575.

WHEREFORE, the defendant, Adrian Jose Romero, respectfully moves that his Motion for a Downward Departure be granted and he be to 151 months in prison based on the arguments set forth herein.

Respectfully submitted,
ADRIAN JOSE ROMERO
By Counsel

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CERTIFICATE OF SERVICE

I hereby certify that on this 28th day of October 2019, I electronically filed the foregoing with the Clerk of this Court using the CM/ECF system which will send notification of such filing to counsel of record in this case.

/s/ Helen E. Phillips
Helen E. Phillips